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6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 ERIN M. SCHILLING  
10966 Culver Blvd  
12 Culver City, California 90230  
Physical Therapist License No. PT 25459,

13  
14 Respondent.

Case No. 1D 2007 64998

OAH No. L2007100784

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15  
16 In the interest of a prompt and speedy settlement of this matter, consistent with the  
17 public interest and the responsibility of the Physical Therapy Board of California (Board ) the  
18 parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be  
19 submitted to the Board for approval and adoption as the final disposition of the Accusation.

20 **PARTIES**

21 1. Steven K. Hartzell (Complainant) is the Executive Officer of the Board.  
22 He brought this action solely in his official capacity and is represented in this matter by Edmund  
23 G. Brown Jr., Attorney General of the State of California, by Chris Leong, Deputy Attorney  
24 General.

25 2. Respondent Erin M. Schilling (Respondent) is representing herself in this  
26 proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about August 25, 2000, the Board issued Physical Therapist License  
28 No. PT 25459 to Respondent. This license was in full force and effect at all times relevant to the

1 charges brought in Accusation No. 1D 2007 64998 and will expire on June 30, 2008, unless  
2 renewed.

3 **JURISDICTION**

4 4. Accusation No. 1D 2007 64998 was filed before the Board and is currently  
5 pending against Respondent. The Accusation and all other statutorily required documents were  
6 properly served on Respondent on September 7, 2007. Respondent timely filed her Notice of  
7 Defense contesting the Accusation. A copy of the Accusation is attached as Exhibit A and is  
8 incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations  
11 in Accusation No. 1D 2007 64998. Respondent has also carefully read, and understands the  
12 effects of this Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of her legal rights in this matter, including her  
14 right to a hearing on the charges and allegations in the Accusation; her right to be represented by  
15 counsel at her own expense; her right to confront and cross-examine the witnesses against her;  
16 her right to present evidence and to testify on her own behalf; her right to the issuance of  
17 subpoenas to compel the attendance of witnesses and the production of documents; her right to  
18 reconsideration and court review of an adverse decision; and all other rights accorded to her by  
19 the California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
21 each and every right set forth above.

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in  
24 Accusation No. 1D 2007 64998.

25 9. Respondent agrees that her Physical Therapist License is subject to  
26 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the  
27 Disciplinary Order below.

28 //



1 any controlled substances as defined in the California Uniform Controlled Substances Act. This  
2 prohibition does not apply to medications lawfully prescribed to respondent for a bona fide  
3 illness or condition by a practitioner licensed to prescribe such medications or topical  
4 medications prescribed for a patient under her care.

5           6.     PROHIBITION OF POSSESSION OR USE OF CONTROLLED  
6 SUBSTANCES Respondent shall abstain completely from the personal use or possession of  
7 controlled substances as defined by Section 4211 of the Business and Professions Code, or any  
8 drugs requiring a prescription. This prohibition does not apply to medications lawfully  
9 prescribed to respondent for a bona fide illness or condition by a practitioner licensed to  
10 prescribe such medications.

11                     Failure to comply with any component of this condition as specified above is a  
12 violation of probation.

13           7.     PROHIBITION OF THE USE OF ALCOHOL Respondent shall abstain  
14 completely from the use of alcoholic beverages.

15                     Failure to comply with any component of this condition as specified above is a  
16 violation of probation.

17           8.     BIOLOGICAL FLUID TESTING Respondent shall immediately submit  
18 to biological fluid testing, at respondent's cost, upon the request of the Board or its designee.

19                     Failure to comply with any component of this condition as specified above is a  
20 violation of probation.

21           9.     DIVERSION PROGRAM Within 15 days from the effective date of this  
22 decision, respondent shall enroll and participate in the Board's Diversion Program at  
23 Respondent's cost until the Board determines that participation in the Diversion Program is no  
24 longer necessary. Failure to comply with requirements of the Diversion Program, terminating the  
25 program without permission or being expelled for cause shall constitute a violation of probation  
26 by respondent.

27                     Failure to comply with any component of this condition as specified above is a  
28 violation of probation.

1                   10.    PROBATION MONITORING COSTS Respondent shall reimburse all  
2 costs incurred by the Board for probation monitoring during the entire period of probation.  
3 Respondent will be billed at least quarterly. Such costs shall be made payable to the Physical  
4 Therapy Board of California. Failure to make ordered reimbursement within 60 days of the  
5 billing shall constitute a violation of the probation order.

6                   11.    COST RECOVERY The respondent is ordered to reimburse the Board  
7 the actual and reasonable investigative and prosecutorial costs incurred by the Board in the  
8 amount of \$3,694. Said costs shall be reduced, however, and the remainder forgiven, if  
9 Respondent pays 50% of said costs, or \$1,847.00 within 90 days of the effective date of the  
10 Decision. In the event Respondent fails to pay within ninety (90) days of the Decision, the full  
11 amount of costs shall be immediately due and payable. Failure to pay the ordered  
12 reimbursement, or any agreed upon payment, may constitute a violation of the probation order.  
13 The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to  
14 reimburse the Board. If Respondent is in default of his responsibility to reimburse the Board, the  
15 Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service or  
16 by any other means of attachment of earned wages legally available to the Board. Failure to  
17 fulfill the obligation could also result in attachment to the Department of Motor Vehicle  
18 registrations and/or license renewals.

19                   12.    OBEY ALL LAWS Respondent shall obey all federal, state and local  
20 laws, and statutes and regulations governing the practice, inspections and reporting, of physical  
21 therapy in California and remain in full compliance with any court ordered criminal probation.

22                   13.    COMPLIANCE WITH ORDERS OF A COURT The respondent shall be  
23 in compliance with any valid order of a court. Being found in contempt of any court order is a  
24 violation of probation.

25                   14.    COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF  
26 RESTITUTION Respondent shall not violate any terms and conditions of criminal probation  
27 and shall be in compliance with any restitution ordered, payments or other orders.

28                   15.    QUARTERLY REPORTS Respondent shall submit quarterly

1 declarations under penalty of perjury on forms provided by the Board, stating whether there has  
2 been compliance with all the conditions of probation.

3 16. PROBATION MONITORING PROGRAM COMPLIANCE Respondent  
4 shall comply with the Board's probation monitoring program.

5 17. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent  
6 shall appear in person for interviews with the Board, or its designee, upon request at various  
7 intervals.

8 18. NOTIFICATION OF PROBATIONER STATUS TO EMPLOYERS The  
9 respondent shall notify all present or future employers of the reason for and the terms and  
10 conditions of the probation by providing a copy of the Initial Probationary License, Statement of  
11 Issues, Accusation and the Decision and Order, or Stipulated Settlement to the employer, and  
12 submit written employer confirmation of receipt to the Board within 10 days. The notification(s)  
13 shall include the name, address and phone number of the employer, and, if different, the name,  
14 address and phone number of the work location.

15 19. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The  
16 respondent shall notify the Board, in writing, of any and all name and/or address changes within  
17 ten (10) days.

18 20. RESTRICTION OF PRACTICE - TEMPORARY SERVICES  
19 AGENCIES The respondent shall not work for a temporary services agency or registry.

20 21. RESTRICTION OF PRACTICE - CLINICAL INSTRUCTOR OF  
21 PHYSICAL THERAPY STUDENT INTERNS OR FOREIGN EDUCATED PHYSICAL  
22 THERAPIST LICENSE APPLICANTS PROHIBITED Respondent shall not supervise any  
23 physical therapy student interns or foreign educated physical therapist license applicants during  
24 the entire period of probation. Respondent shall terminate any such supervisory relationship in  
25 existence on the effective date of this probation unless she has been credentialed as a clinical  
26 instructor by the American Physical Therapy Association ( APTA). Respondent shall terminate  
27 any such supervisory relationship in existence on the effective date of this probation unless she is  
28 credentialed by the APTA as a clinical instructor at that time.

1                   22.    PROHIBITED USE OF ALIASES   Respondent may not use aliases and  
2 shall be prohibited from using any name which is not her legally-recognized name or based upon  
3 a legal change of name.

4                   23.    INTERMITTENT WORK   If the respondent works less than 192 hours as  
5 a physical therapist or a physical therapist assistant in the physical therapy profession in a period  
6 of three months, those months shall not be counted toward satisfaction of the probationary  
7 period. The respondent shall notify the Board if she works less than 192 hours in a three month  
8 period.

9                   24.    TOLLING OF PROBATION   The period of probation shall run only  
10 during the time respondent is practicing or performing physical therapy within California. If,  
11 during probation, respondent does not practice or perform within California, respondent is  
12 required to immediately notify the probation monitor in writing of the date that respondent is  
13 practicing or performing physical therapy out of state, and the date of return, if any. Practicing or  
14 performing physical therapy by the respondent in California prior to notification to the Board of  
15 the respondent's return will not be credited toward completion of probation. Any order for  
16 payment of cost recovery shall remain in effect whether or not probation is tolled.

17                   25.    VIOLATION OF PROBATION   If respondent violates probation in any  
18 respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke  
19 probation and carry out the disciplinary order that was stayed. If an accusation or petition to  
20 revoke probation is filed against respondent during probation, the Board shall have continuing  
21 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
22 is final.

23                   26.    REQUEST TO SURRENDER LICENSE DUE TO RETIREMENT,  
24 HEALTH OR OTHER REASONS   Following the effective date of this probation, if respondent  
25 ceases practicing or performing physical therapy due to retirement, health or other reasons or is  
26 otherwise unable to satisfy the terms and conditions of probation, respondent may request to  
27 surrender her license to the Board. The Board reserves the right to evaluate the respondent's  
28 request and to exercise its discretion whether to grant the request or to take any other action

1 deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the  
2 tendered license, the terms and conditions of probation shall be tolled until such time as the  
3 license is no longer renewable, the respondent makes application for the renewal of the tendered  
4 license or makes application for a new license.

5 27. COMPLETION OF PROBATION Upon successful completion of  
6 probation, respondent's license shall be fully restored.

7 28. CALIFORNIA LAW EXAMINATION - WRITTEN EXAM ON THE  
8 LAWS AND REGULATIONS GOVERNING THE PRACTICE OR PERFORMANCE OF  
9 PHYSICAL THERAPY Within 90 days of the effective date of this decision, respondent shall  
10 take and pass the Board's written examination on the laws and regulations governing the practice  
11 of physical therapy in California. If respondent fails to pass the examination, respondent shall be  
12 suspended from the practice of physical therapy until a repeat examination has been successfully  
13 passed.

14 29. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE  
15 ON PROBATION It is not contrary to the public interest for the respondent to practice and/or  
16 perform physical therapy under the probationary conditions specified in the disciplinary order.  
17 Accordingly, it is not the intent of the Board that this order, the fact that the respondent has been  
18 disciplined, or that the respondent is on probation, shall be used as the sole basis for any third  
19 party payer to remove respondent from any list of approved providers.

20 ACCEPTANCE

21 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
22 understand the stipulation and the effect it will have on my Physical Therapist License. I enter  
23 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,  
24 and agree to be bound by the Decision and Order of the Board.

25 DATED: \_\_\_\_\_.

26  
27  
28 ERIN M. SCHILLING  
Respondent

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2 tendered license, the terms and conditions of probation shall be tolled until such time as the  
3 license is no longer renewable, the respondent makes application for the renewal of the tendered  
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22 understand the stipulation and the effect it will have on my Physical Therapist License. I enter  
23 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,  
24 and agree to be bound by the Decision and Order of the Board.

25 DATED: 12/20/07

26  
27   
28 ERIN M. SCHILLING  
Respondent

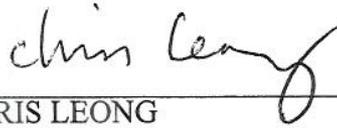
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board.

DATED: January 8, 2008.

EDMUND G. BROWN JR., Attorney General  
of the State of California



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CHRIS LEONG  
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2007501664  
50206365.wpd

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ERIN M. SCHILLING

10966 Culver Blvd.  
Culver City, California 90230  
Physical Therapist License No. PT 25459,

Respondent.

Case No. 1D 2007 64998

OAH No. L2007100784

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, as its Decision in this matter.

This Decision shall become effective on \_\_\_\_\_.

**IT IS SO ORDERED** \_\_\_\_\_.

FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA

**Exhibit A**

**Accusation No. 1D 2007 64998**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 CHRIS LEONG, State Bar No. 141079  
Deputy Attorney General  
4 California Department of Justice  
300 South Spring Street, Suite 1702  
5 Los Angeles, California 90013  
Telephone: (213) 897-2575  
6 Facsimile: (213) 897-9395

7 Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
SACRAMENTO, CA September 7, 2007  
BY [Signature] ANALYST

8 **BEFORE THE**  
9 **PHYSICAL THERAPY BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1D 2007 64998

12 ERIN M. SCHILLING, PT  
10966 Culver Boulevard  
13 Culver City, California 90230

**A C C U S A T I O N**

14 Physical Therapist License No. PT 25459

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

19 1. Steven K. Hartzell (Complainant) brings this Accusation solely in his  
20 official capacity as the Executive Officer of the Physical Therapy Board of California (Board).

21 2. On or about August 25, 2000, the Board issued Physical Therapist License  
22 Number PT 25459 to Erin M. Schilling (Respondent). This license was in full force and effect at  
23 all times relevant to the charges brought herein and will expire on June 30, 2008, unless renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board under the authority of the  
26 following laws. All section references are to the Business and Professions Code (Code) unless  
27 otherwise indicated.

28 4. Section 2609 of the Code states:

1           The board shall issue, suspend, and revoke licenses and approvals to practice  
2 physical therapy as provided in this chapter.

3           5.     Section 2660 of the Code states:

4           The board may, after the conduct of appropriate proceedings under the  
5 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose  
6 probationary conditions upon any license, certificate, or approval issued under this chapter for  
7 unprofessional conduct that includes, but is not limited to, one or any combination of the  
8 following causes:

9           ...

10          (d) Conviction of a crime which substantially relates to the qualifications,  
11 functions, or duties of a physical therapist or physical therapy assistant. The record of  
12 conviction or a certified copy thereof shall be conclusive evidence of that conviction.

13          ...

14          (i) Conviction of a violation of any of the provisions of this chapter or of the  
15 State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or  
16 assisting in or abetting the violating of, or conspiring to violate any provision or term of  
17 this chapter or of the State Medical Practice Act.

18          ...

19          6.     Section 2661 of the Code states:

20          A plea or verdict of guilty or a conviction following a plea of nolo contendere  
21 made to a charge of a felony or of any offense which substantially relates to the  
22 qualifications, functions, or duties of a physical therapist is deemed to be a conviction  
23 within the meaning of this article. The board may order the license suspended or  
24 revoked, or may decline to issue a license, when the time for appeal has elapsed, or the  
25 judgement of conviction has been affirmed on appeal or when an order granting probation  
26 is made suspending the imposition of sentence, irrespective of a subsequent order under  
27 Section 1203.4 of the Penal Code allowing that person to withdraw his or her plea of  
28 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing

1 the accusation, information, or indictment.

2 7. Section 2239 of the Code states:

3 (a) The use or prescribing for or administering to himself or herself, of any  
4 controlled substance; or the use of any of the dangerous drugs specified in Section 4022,  
5 or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or  
6 injurious to the licensee, or to any other person or to the public, or to the extent that such  
7 use impairs the ability of the licensee to practice medicine safely or more than one  
8 misdemeanor or any felony involving the use, consumption, or self-administration of any  
9 of the substances referred to in this section, or any combination thereof, constitutes  
10 unprofessional conduct. The record of the conviction is conclusive evidence of such  
11 unprofessional conduct.

12 (b) A plea or verdict of guilty or a conviction following a plea of nolo contendere  
13 is deemed to be a conviction within the meaning of this section. The Division of Medical  
14 Quality may order discipline of the licensee in accordance with Section 2227 or the  
15 Division of Licensing may order the denial of the license when the time for appeal has  
16 elapsed or the judgment of conviction has been affirmed on appeal or when an order  
17 granting probation is made suspending imposition of sentence, irrespective of a  
18 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such  
19 person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting  
20 aside the verdict of guilty, or dismissing the accusation, complaint, information, or  
21 indictment.

22 8. California Code of Regulations, Title 16, section 1399.20, states:

23 For the purposes of denial, suspension or revocation of a license, pursuant to  
24 Division 1.5 (commencing with Section 475) of the code, a crime or act shall be  
25 considered to be substantially related to the qualifications, functions or duties of a person  
26 holding a license under the Physical Therapy Practice Act if to a substantial degree it  
27 evidences present or potential unfitness of a person to perform the functions authorized  
28 by the license or approval in a manner consistent with the public health, safety or welfare.

1 Such crimes or acts shall include but not be limited to the following:

2 (a) Violating or attempting to violate, directly or indirectly, or assisting in or  
3 abetting the violation of, or conspiring to violate any provision or term of the Physical  
4 Therapy Practice Act.

5 ...

6 (c) Violating or attempting to violate any provision or term of the Medical  
7 Practice Act.

8 9. Section 2661.5 of the Code states:

9 (a) In any order issued in resolution of a disciplinary proceeding before the board,  
10 the board may request the administrative law judge to direct any licensee found guilty of  
11 unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable  
12 costs of the investigation and prosecution of the case.

13 (b) The costs to be assessed shall be fixed by the administrative law judge and  
14 shall not in any event be increased by the board. When the board does not adopt a  
15 proposed decision and remands the case to an administrative law judge, the  
16 administrative law judge shall not increase the amount of the assessed costs specified in  
17 the proposed decision.

18 (c) When the payment directed in an order for payment of costs is not made by  
19 the licensee, the board may enforce the order of payment by bringing an action in any  
20 appropriate court. This right of enforcement shall be in addition to any other rights the  
21 board may have as to any licensee directed to pay costs.

22 (d) In any judicial action for the recovery of costs, proof of the board's decision  
23 shall be conclusive proof of the validity of the order of payment and the terms for  
24 payment.

25 (e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate  
26 the license or approval of any person who has failed to pay all of the costs ordered under  
27 this section.

28 (2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally

1 renew or reinstate for a maximum of one year the license or approval of any person who  
2 demonstrates financial hardship and who enters into a formal agreement with the board to  
3 reimburse the board within that one year period for those unpaid costs.

4 (f) All costs recovered under this section shall be deposited in the Physical  
5 Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually  
6 recovered or the previous fiscal year, as the board may direct.

7 FIRST CAUSE FOR DISCIPLINE

8 (Conviction of a Crime)

9 10. Respondent is subject to disciplinary action under Code sections 2660,  
10 subdivision (d), and 2661, and California Code of Regulations, Title 16, section 1399.20,  
11 subdivision (a), in that she was convicted of crimes substantially related to the qualifications,  
12 functions, or duties of a physical therapist. The circumstances are as follows:

13 February 27, 2007 Conviction

14 A. On or about November 24, 2006, a California Highway Patrol Officer  
15 responded to a traffic collision report. When the officer arrived at the scene of the  
16 accident, he observed that respondent's vehicle was on its roof with moderate rollover  
17 damage. Respondent returned to the scene of the accident and told the officer she had  
18 gone to a friend's house to call for assistance after being struck by another vehicle. While  
19 speaking with respondent, the officer detected an odor of alcohol on her breath and  
20 person. He observed that respondent's eyes were red and glossy, and her speech was  
21 slurred. She failed to successfully complete the field sobriety tests. Respondent was  
22 arrested and charged with driving under the influence of alcohol. She was transported to  
23 the Sheriff's station and was given breath tests. The results of the breath tests indicated  
24 her blood alcohol concentrations were .16% and .17%.

25 B. On or about January 22, 2007, in Los Angeles County Superior Court  
26 Complaint No. 7NW00234, respondent was charged with driving under the influence of  
27 alcohol or drugs, in violation of Vehicle Code section 23152, subdivision (a), a  
28 misdemeanor (Count1) and Vehicle Code section 23152, subdivision (b), driving with

1 .08% or higher blood alcohol level, a misdemeanor (Count 2). It was also alleged that as  
2 to Counts 1 and 2, respondent had a blood alcohol content of .15% or more. It was  
3 further alleged that as to Counts 1 and 2, respondent had a prior conviction on  
4 November 21, 2001, for driving with .08% or higher blood alcohol level.

5 C. On or about February 26, 2007, pursuant to a negotiated plea agreement,  
6 respondent was convicted upon her plea of nolo contendere to driving with .08% or  
7 higher blood alcohol level (Count 2), and she admitted her prior conviction. Proceedings  
8 were suspended. Respondent was placed on probation for five years with the following  
9 terms and conditions, among others: serve 96 hours in county jail (with credit for 25  
10 hours), pay fines and assessments in the amount of \$1,964.00, complete an 18-month  
11 second offender alcohol treatment program and complete the victim impact program  
12 Mothers Against Drunk Driving. Count 1 of the complaint was dismissed.

13 November 21, 2001 Conviction

14 D. On or about August 4, 2001, Los Angeles County Deputy Sheriffs  
15 conducted an enforcement stop after they observed respondent speeding and weaving in  
16 and out of traffic lanes in area where pedestrians were leaving a nightclub. Upon contact  
17 with respondent, one of the deputies noticed respondent's breath had a strong odor of  
18 alcohol, her speech was slurred, and her pupils were dilated. She told the deputy sheriff  
19 that she had about four drinks that evening. She failed to successfully complete the field  
20 sobriety tests. Respondent was arrested and charged with driving under the influence of  
21 alcohol. In a written statement to the Board, respondent admitted that on August 4, 2001,  
22 she was driving home from a restaurant where she had consumed four drinks.

23 E. On or about September 13, 2001, in Los Angeles County Municipal Court  
24 Complaint No. 1BH01373, respondent was charged with driving under the influence of  
25 alcohol or drugs, in violation of Vehicle Code section 23152, subdivision (a), a  
26 misdemeanor (Count 1) and Vehicle Code section 23152, subdivision (b), driving with  
27 .08% or higher blood alcohol level, a misdemeanor (Count 2).

28 F. On or about November 21, 2001, pursuant to a negotiated plea agreement,

1 respondent was convicted upon her plea of nolo contendere to driving with .08% or  
2 higher blood alcohol level (Count 2). Proceedings were suspended. Respondent was  
3 placed on probation for three years with the following terms and conditions, among  
4 others: pay fines and assessments in the amount of \$1,200.00 and complete a 3-month  
5 licensed first offender alcohol treatment program. Her driving privilege was restricted for  
6 90 days. Count 1 of the complaint was dismissed.

7 SECOND CAUSE FOR DISCIPLINE

8 (Use of Alcohol in a Dangerous Manner)

9 11. Respondent is subject to disciplinary action under Code section 2239 and  
10 Code California Code of Regulations, Title 16, section 1399.20, subdivision (c), for using  
11 alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to herself,  
12 or to any other person or to the public. The facts and circumstances set forth in Paragraph 10 of  
13 this Accusation are incorporated herein by reference.

14 ///

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Physical Therapist License Number PT 25459 issued to Erin M. Schilling;
2. Ordering Erin M. Schilling to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/7/07

  
\_\_\_\_\_  
STEVEN K. HARTZELL  
Executive Officer  
Physical Therapy Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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Re (Endor): Mailed 01-08-08

Restrict (Endor): Steven K. Hartzell, Executive Officer  
Physical Therapy Board of California

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